

business-line service (id., p. 26). NET claims it did not single out any of MPA's members and that, in any event, NET has since agreed to return to IMR the remaining deposits it still holds (NET Brief, p. 26).

Regarding MPA's allegations of unreasonable delays for PAL installations, NET states that PAL installation orders are given priority over installation orders for NET's own pay-telephone service. NET also indicates that a Company study shows that the percentage of appointments missed for non-NET pay-telephone installations in the first half of 1988 was approximately half that for NET's own payphones (NET Brief, p. 27, citing Exh. NET-37, p. 5 and Attachment A). With respect to MPA's allegation that PALs are often dead or inoperable, NET claims that all telephone customers are occasionally subject to loss of service resulting from storms, construction damage and other factors (NET Brief, p. 29). NET also asserts that a special report, prepared by NET in October 1988, indicates the average repair response time for PALs was 22.8 hours (id., pp. 30-31, citing Exh. NET-37, p. 4).

NET contends that before the hearings in this case began, it was unaware of some of the types of service difficulties the pay-telephone providers were experiencing, and has since taken steps to ameliorate these problems, including reprogramming its systems and distributing literature to its technical personnel (NET Brief, pp. 27-29). NET asserts that it has also given specific instructions to all NET operators to respond appropriately to calls from pay-telephone end users (id., p. 39, citing Tr. VIII, p. 73).

NET opposes MPA's request for a separate NET subsidiary for the Company's own pay-telephone service (id., p. 39). NET claims that some of the service problems alleged by MPA relate to functions performed by personnel outside of NET PubComm and, therefore, a separate subsidiary for NET PubComm would not remedy this situation (id., p. 41). NET argues that, with respect to installations and repair, it is more efficient to coordinate procedures out of a single, specialized pay-telephone service center than through several regular NET business offices (id.). NET further argues that such a separation would deprive pay-telephone providers of the specialized attention and priority treatment they now receive from the service center for pay-telephone providers in NET PubComm (id., p. 42).

NET also claims that the record does not show that NET has misused any competitive pay-telephone information (id.). NET states that in April 1988, Company representatives serving pay-telephone providers were placed under separate Company supervision from agents handling NET's own pay telephones. NET states that in July 1988, the pay-telephone service center was moved from NET's Public Service Center to a separate physical location (id., p. 43, citing Exh. NET-31, p. 19 and Tr. VI, p. 23). NET asserts that it is in the process of changing its mechanized systems to safeguard access to pay-telephone accounts and the changes would be completed by February 1989 (id., citing Exh. NET-31, p. 28 and Tr. VI, pp. 23-24).

The Attorney General states that if the Department finds that there are operational problems for pay-telephone providers obtaining and maintaining service from NET, the Department should order NET to resolve them (Attorney General Brief, p. 27).

2. Analysis and Findings

Based on the evidence, the Department finds that there have been installation, maintenance and repair problems encountered by pay-telephone providers as subscribers to NET's PAL service (Exhs. MPA-26, -28, and -29). The Department is concerned about the existence of these quality-of-service problems in NET's provision of PAL service to pay-telephone providers; however, we do not find that the establishment of a separate subsidiary as discussed supra, is warranted.

The Department, pursuant to G.L. c. 159, § 12, may order NET to investigate and remedy quality-of-service problems. NET indicates that it has already taken steps toward developing and implementing solutions for some of the service problems alleged by MPA (see, e.g., NET Brief, pp. 48-52). We find that NET must continue to work with its own personnel, as well as pay-telephone providers, to implement solutions to those service problems that have remained since the conclusion of hearings in this case. In NET, D.P.U. 89-300 (1990), the Department ordered NET to file monthly quality-of-service reports that address, among other things, the Company's installation and repair service. Accordingly, as part of this ongoing monthly quality-of-service reporting, NET shall include reports that

track PAL service problems so that we may ascertain whether the Company's service quality for PAL service is reasonable. NET shall model its PAL quality-of-service reports on the relevant portions of the quality-of-service reports that NET presently files with the Department. Specifically, the monthly reports shall detail the following: the numbers and percentages of missed PAL installation dates; the number of days between the time the loss of service is reported and the time NET completes restoration of service; the Company's explanation for the loss of service; the length of time NET takes to repair PAL service problems, including call screening failures (see discussion, infra); and the corresponding reasons for these service problems. NET, D.P.U. 89-300, pp. 309-310.

B. Fraud-Protection Failures

NET offers fraud-protection features for PAL service, available as a tariffed charge. The features include call screening or "(*)" call blocking (see discussion on "950" issue, infra). Call screening is available in two forms: originating-number and terminating-number screening (Exh. NET-37, p. 7). According to NET, originating-number screening is designed to prevent operator-handled calls from being billed to the originating PAL. When originating-number screening is in place on a PAL, the NET operator will receive a message on the video display terminal that instructs the NET operator not to complete the call without an alternate form of billing arrangement such as a calling card or third-number billing (NET Brief, p. 32).